

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SHARON LEE JOSEPH)	
)	Civil Action
Plaintiff)	No. 11-cv-02668
)	
vs.)	
)	
MICHAEL J. ASTRUE,)	
Commissioner of the Social)	
Security Administration)	
)	
Defendant)	
)	
and)	
)	
SOCIAL SECURITY ADMINISTRATION)	
)	
Interested Party)	

O R D E R

NOW, this 26th day of September, 2012, upon
consideration of the following documents:

- (1) Decision of Administrative Law Judge
Daniel L. Rubini dated November 2, 2009;
- (2) Civil Complaint filed by plaintiff on
April 20, 2011;
- (3) Answer filed by defendant on June 20, 2011;
- (4) Plaintiff's Brief and Statement of Issues in
Support of Request for Review, which brief
and statement of issues was filed July 21,
2011;
- (5) Defendant's Response to Request for Review of
Plaintiff, which response was filed on
September 22, 2011;
- (6) Plaintiff's Reply to Defendant's Response to
Request for Review by Plaintiff, which reply
was filed on September 29, 2011; and

(7) Report and Recommendation of United States Magistrate Judge Timothy R. Rice filed April 26, 2012 ("R & R");

after a thorough review of the record in this matter; it appearing that neither party filed objections to Magistrate Judge Rice's Report and Recommendation; it further appearing that Magistrate Judge Rice's Report and Recommendation correctly determined the legal and factual issues presented in this case,

IT IS ORDERED that Magistrate Judge Rice's Report and Recommendation is approved and adopted.

IT IS FURTHER ORDERED that plaintiff's request for review is granted.

IT IS FURTHER ORDERED that plaintiff's request for reversal of the decision of the Commissioner dated November 2, 2009, as affirmed by the Appeals Council on March 17, 2011 (which denied plaintiff's application for disability insurance benefits), is denied.

IT IS FURTHER ORDERED that pursuant to sentence four of 42 U.S.C. § 405(g), this matter is remanded to the Commissioner for further proceedings consistent with Magistrate Judge Rice's Report and Recommendation.¹

¹ Specifically, among the further proceedings recommended by Magistrate Judge Rice and approved in this Order, which the Administrative Law Judge ("ALJ") shall complete are the following:

- (1) evaluate plaintiff's Global Assessment of Functioning ("GAF") scores;

(Footnote 1 continued):

IT IS FURTHER ORDERED that the Clerk of Court mark this case closed for statistical purposes.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge

(Continuation of footnote 1):

- (2) consider and evaluate the reports of Dr. Richard A. Weiss; Dr. Anthony J. Fischetto; Dr. David Schwendeman; and nurse practitioner Cynthia A. Himpler, and explain what weight, if any, was accorded to each report.

GAF scores (on a 100-point scale) reflect the mental health specialist's assessment on a particular day of the severity of a patient's mental health, and are necessarily based on the patient's state of mind and self-reported symptoms. (See R & R, page 1, n. 1). Here, Dr. Weiss, Dr. Fischetto, Dr. Schwendeman, and nurse practitioner Himpler all assigned plaintiff Joseph GAF scores of fifty on various occasions. Such scores suggest serious symptoms (such as suicidal ideation, severe obsessional rituals, frequent shoplifting) or any serious impairment in social, occupational, or school functioning (e.g., no friends, unable to keep a job). (See R & R, pages 5, n. 7 and 15). Failure of the ALJ to mention or discuss GAF scores in the forty-one to fifty range merits remand. (See R & R, page 12); West v. Astrue 2010 WL 1659712, at *4 (E.D.Pa. April 26, 2010).

Accordingly, as recommended by Magistrate Judge Rice's Report and Recommendation, this case is remanded to the Commissioner to allow the ALJ an opportunity to sufficiently analyze all of the relevant medical evidence in the record, explain how it was weighed, and to specify the reasons for his decisions.